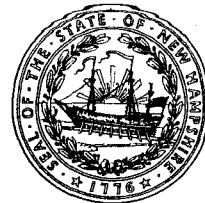




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2005-050

January 4, 2006

Sherri & David Brulotte
73 Ham Road
New Durham, NH 03855

RE: DES Wetlands Bureau Complaint File #2005-668, Brulotte, 73 Ham Road, New Durham Tax Map 11 / Lot 27D

Dear Sherri & David Brulotte:

As you are aware, on November 17, 2005, December 2, 2005, and December 15, 2005 personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, more specifically referenced on the Town of New Durham Tax Map 11 as Lot 27D (the "Property"). The purpose of the inspections was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law, and NH Code of Administrative Rules Wt 100-800.

The December 15, 2005 inspection was conducted with Mr. David Allain, representing the information on the approved septic design at the property, Mr. Barry Keith, the wetland scientist of record for the property, and David Price, DES Wetlands Compliance Investigator. Mr. Keith determined that the presence of the pink and black striped flagging observed on the property on December 15, 2005 is consistent with the state and federal jurisdictional wetland area originally delineated by Mr. Keith. A copy of a letter dated December 16, 2005 from Mr. Keith to DES is enclosed for your use.

It has been determined that filling of approximately 475 sq. ft. of freshwater wetlands took place in two areas on the property without a permit from the DES Wetlands Bureau. The first area, approximately 10 ft. x 25 ft., appears to be caused by erosion from an unstable slope up-gradient of the wetland area. The second area, approximately 15 ft. x 15 ft., is a pile of brush/slash located in the wetland.

In response, you are requested to take the following actions:

1. **Within 30 days** of receipt of this Letter of Deficiency, generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.

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- a. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - b. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. These wetland areas need to be restored by hand. No machinery will be allowed into wetland areas.
 - c. Documentation of the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services
Wetlands Bureau – East Region
Attn: David Price, Compliance Investigator
50 International Drive
Suite 200
Portsmouth, NH 03801

NHDES Wetlands Complaint File# 2005-668

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at dprice@des.state.nh.us.

Sincerely,

A stylized, handwritten signature in black ink, appearing to read 'Dori Wiggin'.

Dori Wiggin
East Region Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL 7002 2410 0001 6279 1277

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tracey Boisvert, DES Wetlands Compliance Supervisor
US Army Corps of Engineers
New Durham Conservation Commission
New Durham Planning Board
David Linberg, New Durham Code Enforcement
Barry Keith, B.H. Keith Associates
David Allain, Round Pond Soil Survey
Edward T. Clancy
John Huckins
David Klingebiel, Boynton Waldron Doleac Woodman & Scott P.A.